

Zoning Commission Minutes

May 30, 2013
3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Chairman Hoff, Kurt Froelich, Larry Messer, Gene Jackson, Sue Larsen, Duane Grundhauser and Jay Elkin present and absent were Klayton Oltmanns and Chuck Steffan. Also present were Planner Steve Josephson, Rhonda Ehlis, Auditor Kay Haag, Bill Fahlsing, and Nicole Roberts.

Kurt Froelich moved to approve the minutes from the May 2, 2013 meeting. Duane Grundhauser seconded. All voted Aye and motion carried.

Public Hearing for 701 Resources, LLC requesting a Conditional Use Permit for Gravel Pits, Crushing and Stockpiling on a 157.82 acre tract located in the SW4 of Section 20, Township 139, Range 94 withdrew until further notice.

Chairman Hoff opened the public hearing on a request from 701 Resources, LLC. The request was for a Conditional Use Permit for Gravel Pits, Crushing and Stockpiling on a 147.72-acre tract located in the SW4 of Section 30, Township 138, Range 94. Chairman Hoff asked for anyone to speak for or against the Conditional Use Permit. Tracy Walth voiced concerns about dust control, the current road condition and safety. Breckon Jespersen voiced concerns about dust control. Chairman Hoff closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval of a Conditional Use Permit following the amended staff recommendations for 701 Resources, LLC.

STAFF RECOMMENDATION: Approval of the proposed conditional use permit based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions.
 - a. The location of the gravel pit shall be as generally shown on the drawing dated May 13, 2013.
 - b. The conditional use permit for the gravel pit shall expire one year from the date of issuance. The permit may be extended by the Stark County Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.
 - c. All mining and excavation sites must have at least a 3-to-1 slope.
 - d. The developer shall be responsible for all maintenance associated with the gravel pit facility, including, but not limited to, County road used as part of the gravel pit haul route.
 - e. Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the gravel pit haul route.

- f. The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the gravel pit haul route.**
- g. Prior to the beginning of operations, the applicant shall make improvements to the five-ton bridge located on the portion of 47th Street SW proposed as the gravel pit haul route. Such improvements shall be as specified by the County Road Superintendent.**
- h. The applicant shall be responsible for dust control along the haul route.**
- i. The applicant shall be responsible for implementing a Weed Control Plan as prescribed by the Weed Control Officer for all new and invasive and noxious weeds as prescribed by the North Dakota Century Code. The applicant shall provide a copy of the Weed Officer's report and required weed control plan to the Stark County Zoning Administrator.**
- j. The applicant shall report to the Zoning Administrator if the gravel pit operation is no longer in use. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted with natural protected vegetation.**
- k. The applicant shall post a bond in an amount to be determined by the County Commission.**
- l. Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
- m. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
- n. Development and operation of the gravel pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing for the proposed amendments to update the text of the Stark County Zoning Ordinance.

County Planner Steve Josephson reported the following amendments:

- 1. 6.6 Public Nuisances. Noxious weeds vs. invasive weeds.
Commission asked that noxious weeds and invasive weeds be defined.
- 2. 6.16 Excavation and mining of sand, gravel rock, stone, scoria and clay.

Chairman Hoff asked for anyone to speak for or against the proposed amendments to update the text of the Stark County Zoning Ordinance. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners to table the draft for further research. Sue Larsen seconded. Roll call vote. All voted Aye and the motion carried.

Steve Josephson, County Planner, discussed the following items:

FAQ to be added to the Stark County website. Discussion was held regarding the addition of building permits and the requirements.

Jay Elkin moved to adjourn. Sue Larsen seconded.